

HOUSE BILL 366

E4

2lr1752
CF SB 602

By: **Delegate Malone**

Introduced and read first time: January 30, 2012

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 9, 2012

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Building Performance Standards – ~~Fire and Life Safety~~**
3 **Automatic Fire Sprinkler Systems**

4 FOR the purpose of prohibiting a local jurisdiction, with a certain exception, from
5 adopting local amendments to the Maryland Building Performance Standards if
6 the local amendments weaken ~~fire and life safety~~ certain automatic fire
7 sprinkler systems provisions contained in the Standards; providing for the
8 effective date of certain provisions of this Act; providing for the termination of
9 certain provisions of this Act; providing for the application of this Act; and
10 generally relating to the authority of local jurisdictions to amend the Maryland
11 Building Performance Standards.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 12–504
15 Annotated Code of Maryland
16 (2011 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – Public Safety
19 Section 12–504
20 Annotated Code of Maryland
21 (2011 Replacement Volume)
22 (As enacted by Chapter 369 of the Acts of the General Assembly of 2011)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Public Safety**

4 12–504.

5 (a) **(1)** A local jurisdiction may adopt local amendments to the Standards
6 if the local amendments do not:

7 ~~(1)~~ **(I)** prohibit the minimum implementation and enforcement
8 activities set forth in § 12–505 of this subtitle; [or]

9 ~~(2)~~ **(II)** weaken energy conservation and efficiency provisions
10 contained in the Standards; **OR**

11 ~~(3)~~ **(III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
12 **SUBSECTION, WEAKEN FIRE AND LIFE SAFETY THE AUTOMATIC FIRE SPRINKLER**
13 **SYSTEMS PROVISIONS FOR TOWNHOUSES AND ONE- AND TWO-FAMILY**
14 **DWELLINGS CONTAINED IN THE STANDARDS.**

15 **(2) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY**
16 **TO STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A PROPERTY**
17 **NOT CONNECTED TO AN ELECTRICAL UTILITY.**

18 (b) If a local jurisdiction adopts a local amendment to the Standards, the
19 Standards as amended by the local jurisdiction apply in the local jurisdiction.

20 (c) If a local amendment conflicts with the Standards, the local amendment
21 prevails in the local jurisdiction.

22 (d) A local jurisdiction that adopts a local amendment to the Standards shall
23 ensure that the local amendment is adopted in accordance with applicable local law.

24 (e) To keep the database established under this subtitle current, a local
25 jurisdiction that adopts a local amendment to the Standards shall provide a copy of
26 the local amendment to the Department:

27 (1) at least 15 days before the effective date of the amendment; or

28 (2) within 5 days after the adoption of an emergency local amendment.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
30 read as follows:

31 **Article – Public Safety**

1 12-504.

2 (a) (1) A local jurisdiction may adopt local amendments to the Standards
3 if the local amendments do not:

4 (i) prohibit the minimum implementation and enforcement
5 activities set forth in § 12-505 of this subtitle; [or]

6 (ii) weaken energy conservation and efficiency provisions
7 contained in the Standards; **OR**

8 **(III) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
9 **SUBSECTION, WEAKEN ~~FIRE AND LIFE SAFETY~~ THE AUTOMATIC FIRE SPRINKLER**
10 **SYSTEMS PROVISIONS FOR TOWNHOUSES AND ONE- AND TWO-FAMILY**
11 **DWELLINGS CONTAINED IN THE STANDARDS.**

12 (2) (i) Regardless of whether the International Green Construction
13 Code is adopted by the Department under § 12-503(d) of this subtitle, a local
14 jurisdiction may adopt the International Green Construction Code.

15 (ii) A local jurisdiction may make local amendments to the
16 International Green Construction Code.

17 **(3) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY**
18 **TO STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A PROPERTY**
19 **NOT CONNECTED TO AN ELECTRICAL UTILITY.**

20 (b) If a local jurisdiction adopts a local amendment to the Standards, the
21 Standards as amended by the local jurisdiction apply in the local jurisdiction.

22 (c) If a local amendment conflicts with the Standards, the local amendment
23 prevails in the local jurisdiction.

24 (d) A local jurisdiction that adopts a local amendment to the Standards shall
25 ensure that the local amendment is adopted in accordance with applicable local law.

26 (e) To keep the database established under this subtitle current, a local
27 jurisdiction that adopts a local amendment to the Standards shall provide a copy of
28 the local amendment to the Department:

29 (1) at least 15 days before the effective date of the amendment; or

30 (2) within 5 days after the adoption of an emergency local amendment.

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1 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
2 take effect on the taking effect of Chapter 369 of the Acts of the General Assembly of
3 2011. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and
4 of no further force and effect.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be
6 construed to apply only prospectively and may not be applied or interpreted to have
7 any effect on or application to any building permit for which an application is
8 submitted before the effective date of this Act.

9 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions
10 of Section 3 of this Act, this Act shall take effect October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.